

SENATE BILL No. 553

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1-18-3; IC 23-4-1; IC 23-16-12-4; IC 23-17-29-3; IC 23-18-12-3.

Synopsis: Secretary of state fees. Decreases certain filing fees charged by the secretary of state, if a document is filed electronically and requires collection of an additional fee for certain filings by an electronic medium. Provides that the additional fees collected for filing certain documents by an electronic medium shall be deposited in the electronic and enhanced access fund.

Effective: Upon passage.

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January 23, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 553

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 23-1-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (e)**, the secretary of state shall collect the following fees when the documents described in this subsection are delivered to the secretary of state for filing:

	Document	Fee
(1)	Articles of incorporation	\$90
(2)	Application for use of indistinguishable name	\$20
(3)	Application for reserved name	\$20
(4)	Application for renewal of reservation	\$20
(5)	Notice of transfer of reserved name	\$20
(6)	Application for registered name	\$30
(7)	Application for renewal of registered name	\$30
(8)	Corporation's statement of change	

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1	of registered agent or registered	
2	office or both	No Fee
3	(9) Agent's statement of change of	
4	registered office for each	
5	affected corporation	No Fee
6	(10) Agent's statement of	
7	resignation	No Fee
8	(11) Amendment of articles of	
9	incorporation	\$30
10	(12) Restatement of articles of	
11	incorporation	\$30
12	With amendment of articles	\$30
13	(13) Articles of merger or share	
14	exchange	\$90
15	(14) Articles of dissolution	\$30
16	(15) Articles of revocation of	
17	dissolution	\$30
18	(16) Certificate of administrative	
19	dissolution	No Fee
20	(17) Application for reinstatement	
21	following administrative	
22	dissolution	\$30
23	(18) Certificate of reinstatement	No Fee
24	(19) Certificate of judicial dissolution	No Fee
25	(20) Application for certificate of	
26	authority	\$90
27	(21) Application for amended certificate	
28	of authority	\$30
29	(22) Application for certificate of	
30	withdrawal	\$30
31	(23) Certificate of revocation of	
32	authority to transact business	No Fee
33	(24) Biennial report filed in writing,	
34	including by facsimile	\$30
35	(25) Biennial report filed by	
36	electronic medium	\$20
37	(26) Articles of correction	\$30
38	(27) Application for certificate of	
39	existence or authorization	\$15
40	(28) Any other document required or	
41	permitted to be filed by this	
42	article, including an application	

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for any other certificates or
 certification certificate (except
 for any such other certificates
 that the secretary of state may
 determine to issue without
 additional fee in connection with
 particular filings) and a request
 for other facts of record under
 section 9(b)(6) of this chapter \$30

(b) The fee set forth in subsection (a)(24) for filing a biennial report
 is:

(1) fifteen dollars (\$15) per year, for a filing in writing, including
 facsimile; and

(2) ten dollars (\$10) per year, for a filing by electronic medium;
 to be paid biennially.

(c) The secretary of state shall collect a fee of ten dollars (\$10) each
 time process is served on the secretary of state under this article. If the
 party to a proceeding causing service of process prevails in the
 proceeding, then that party is entitled to recover this fee as costs from
 the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying
 and certifying the copy of any filed document relating to a domestic or
 foreign corporation:

(1) Per page for copying \$ 1

(2) For a certification stamp \$15

**(e) If document described in subsection (a)(1) or (a)(20) is filed
 by electronic means as prescribed by the secretary of state, the
 secretary of state shall collect a:**

(1) filing fee of seventy-five dollars (\$75); and

(2) fee of five dollars (\$5) for filing by an electronic medium.

**Any fees collected under subdivision (2) shall be deposited in the
 electronic and enhanced access fund established by IC 4-5-10-5.**

SECTION 2. IC 23-4-1-45 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) To qualify
 as a limited liability partnership, a partnership under this chapter must
 do the following:

(1) File a registration with the secretary of state in a form
 determined by the secretary of state that satisfies the following:

(A) Is signed by one (1) or more partners authorized to sign
 the registration. A signature on a document under this clause
 that is transmitted and filed electronically is sufficient if the
 person transmitting and filing the document:

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(i) has the intent to file the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and

(ii) enters the filing party's name on the electronic form in a signature box or other place indicated by the secretary of state.

(B) States the name of the limited liability partnership, which must:

(i) contain the words "Limited Liability Partnership" or the abbreviation "L.L.P." or "LLP" as the last words or letters of the name; and

(ii) be distinguishable upon the records of the secretary of state from the name of a limited liability partnership or other business entity registered to transact business in Indiana.

(C) States the address of the partnership's principal office.

(D) States the name of the partnership's registered agent and the address of the partnership's registered office for service of process as required to be maintained by section 50 of this chapter.

(E) Contains a brief statement of the business in which the partnership engages.

(F) States any other matters that the partnership determines to include.

(G) States that the filing of the registration is evidence of the partnership's intention to act as a limited liability partnership.

(2) **Except as provided in subdivision (3),** file a ninety dollar (\$90) registration fee with the registration.

(3) If the registration required under subdivision (1) is filed electronically, file a:

(A) filing fee of seventy-five dollars (\$75); and

(B) fee of five dollars (\$5) for filing by an electronic medium.

Any fees collected under clause (B) shall be deposited in the electronic and enhanced access fund established by IC 4-5-10-5.

(b) The secretary of state shall grant limited liability partnership status to any partnership that submits a completed registration with the required fee.

(c) Registration is effective and a partnership becomes a limited liability partnership on the date a registration is filed with the secretary of state or at any later date or time specified in the registration. The registration remains effective until it is voluntarily withdrawn by filing

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1 with the secretary of state a written withdrawal notice under section
2 45.2 of this chapter.

3 (d) The status of a partnership as a limited liability partnership and
4 the liability of a partner of a limited liability partnership is not
5 adversely affected by errors or subsequent changes in the information
6 stated in a registration under subsection (a).

7 (e) A registration on file with the secretary of state is notice that the
8 partnership is a limited liability partnership and is notice of all other
9 facts set forth in the registration.

10 SECTION 3. IC 23-4-1-49 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49. (a) Before
12 transacting business in this state, a foreign limited liability partnership
13 shall do the following:

14 (1) Comply with any statutory or administrative registration or
15 filing requirements governing the specific type of business in
16 which the partnership is engaged.

17 (2) File a registration with the secretary of state in a form
18 determined by the secretary of state that satisfies the following:

19 (A) Is signed at least by one (1) partner authorized to sign the
20 registration. A signature of an authorized partner on a
21 document under this clause that is transmitted and filed
22 electronically is sufficient if the authorized partner
23 transmitting and filing the document:

24 (i) has the intent to file the document as evidenced by a
25 symbol executed or adopted by a party with present
26 intention to authenticate the filing; and

27 (ii) enters the filing party's name on the electronic form in a
28 signature box or other place indicated by the secretary of
29 state.

30 (B) States the name of the limited liability partnership which
31 must contain the words "Limited Liability Partnership" or the
32 abbreviation "L.L.P." or "LLP" or other similar words or
33 abbreviations as may be required or authorized by the laws of
34 the jurisdiction where the partnership is registered as the last
35 words or letters of the name.

36 (C) States the jurisdiction in which the partnership is
37 registered as a limited liability partnership.

38 (D) States the address of the partnership's principal office.

39 (E) States the name of the partnership's registered agent and
40 the address of the partnership's registered office for service of
41 process as required to be maintained by section 50 of this
42 chapter.

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(F) Contains a brief statement of the business in which the partnership engages.

(G) States any other matters that the partnership determines to include.

(H) States that the filing of the registration is evidence of the partnership's intention to act as a limited liability partnership.

(3) **Except as provided in subdivision (4)**, file a ninety dollar (\$90) registration fee with the registration.

(4) If the registration required under subdivision (2) is filed electronically, file a:

(A) filing fee of seventy-five dollars (\$75); and

(B) fee of five dollars (\$5) for filing by an electronic medium.

Any fees collected under clause (B) shall be deposited in the electronic and enhanced access fund established by IC 4-5-10-5.

(b) The secretary of state shall permit a foreign limited liability partnership that:

(1) submits a completed registration;

(2) submits the **fees** required ~~ninety dollars (\$90)~~ **under subsection (a)**; and

(3) otherwise complies with this chapter;

to transact business in the state. A registration remains effective until the registration is voluntarily withdrawn under section 45.2 of this chapter.

(c) The internal affairs of foreign limited liability partnerships, including the liability of partners for debts, obligations, and liabilities of or chargeable to the partnership or a partner or partners, are subject to and governed by the laws of the jurisdiction in which the foreign limited liability partnership is registered.

SECTION 4. IC 23-16-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) **Except as provided in subsection (d)**, the secretary of state shall collect the following fees when the documents described in this section are delivered by a domestic or foreign limited partnership ~~or a foreign limited liability company~~ to the secretary of state for filing:

Document	Fee
(1) Application for reservation of name	\$20
(2) Application for use of indistinguishable name	\$20
(3) Application for renewal of reservation	\$20
(4) Notice of transfer of reserved name	\$20
(5) Application of registered name	\$30

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- 1 (6) Application for renewal of registered name \$30
 2 (7) Certificate of change of registered agent's
 3 business address No fee
 4 (8) Certificate of resignation of agent No fee
 5 (9) Certificate of limited partnership \$90
 6 (10) Certificate of amendment \$30
 7 (11) Certificate of cancellation \$90
 8 (12) Restated certificate of limited partnership
 9 or registration \$30
 10 (13) Restated certificate of limited partnership
 11 or registration with amendments \$30
 12 (14) Application for registration \$90
 13 (15) Certificate of change of application \$30
 14 (16) Certificate of cancellation of
 15 registration \$30
 16 (17) Certificate of change of registered agent No fee
 17 (18) Application for certificate of existence or
 18 authorization \$15
 19 (19) Any other document required or permitted to be
 20 filed under this article, including an application
 21 for any other certificates or certification
 22 certificate (except for any such other certificates
 23 that the secretary of state may determine to issue
 24 without additional fee in connection with particular
 25 filings) \$30
 26 (b) The secretary of state shall collect a fee of ten dollars (\$10) each
 27 time process is served on the secretary of state under this article. If the
 28 party to a proceeding causing service of process prevails in the
 29 proceeding, then that party is entitled to recover this fee as costs from
 30 the nonprevailing party.
 31 (c) The secretary of state shall collect the following fees for copying
 32 and certifying the copy of any filed document relating to a domestic or
 33 foreign limited partnership:
 34 (1) Per page for copying \$ 1
 35 (2) For a certification stamp \$15
 36 **(d) If the document described in subsection (a)(9) or (a)(14) is**
 37 **filed by electronic means as prescribed by the secretary of state,**
 38 **the secretary of state shall collect a:**
 39 **(1) filing fee of seventy-five dollars (\$75); and**
 40 **(2) fee of five dollars (\$5) for filing by an electronic medium.**
 41 **Any fees collected under subdivision (2) shall be deposited in the**
 42 **electronic and enhanced access fund established by IC 4-5-10-5.**

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SECTION 5. IC 23-17-29-3 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as
provided in subsection (d)**, the secretary of state shall collect the
following fees when the following documents are delivered for filing:

DOCUMENT	FEE
(1) Articles of Incorporation	\$30
(2) Application for use of indistinguishable name	\$20
(3) Application for reserved name	\$20
(4) Notice of transfer of reserved name	\$20
(5) Application for renewal of reservation	\$20
(6) Application for registered name	\$30
(7) Application for renewal of registered name	\$30
(8) Corporation's statement of change of registered agent or registered office or both	no fee
(9) Agent's statement of change of registered office for each affected corporation	no fee
(10) Agent's statement of resignation	no fee
(11) Amendment of articles of incorporation	\$30
(12) Restatement of articles of incorporation with amendments	\$30
(13) Articles of merger	\$30
(14) Articles of dissolution	\$30
(15) Articles of revocation of dissolution	\$30
(16) Certificate of administrative dissolution	no fee
(17) Application for reinstatement following administrative dissolution	\$30
(18) Certificate of reinstatement	no fee
(19) Certificate of judicial dissolution	no fee
(20) Application for certificate of authority	\$30
(21) Application for amended certificate of authority	\$30
(22) Application for certificate of withdrawal	\$30

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(23) Certificate of revocation of authority to transact business	no fee
(24) Annual report filed in writing, including a facsimile	\$10
(25) Annual report filed by electronic medium	\$ 5
(26) Certificate of existence	\$15
(27) Any other document required or permitted to be filed by this article	\$30

(b) The secretary of state shall collect a fee of ten dollars (\$10) upon being served with process under this article. The party to a proceeding causing service of process may recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

(c) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) One dollar (\$1) a page for copying.
- (2) Fifteen dollars (\$15) for the certification stamp.

(d) If the document described in subsection (a)(1) or (a)(20) is filed by electronic means as prescribed by the secretary of state, the secretary of state shall collect a:

- (1) filing fee of twenty dollars (\$20); and**
- (2) fee of five dollars (\$5) for filing by an electronic medium.**

Any fees collected under subdivision (2) shall be deposited in the electronic and enhanced access fund established by IC 4-5-10-5.

SECTION 6. IC 23-18-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (e)**, the secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

Document	Fee
(1) Articles of organization	\$90
(2) Application for use of indistinguishable name	\$20
(3) Application for reservation of name	\$20
(4) Application for renewal of reservation	\$20
(5) Notice of transfer or cancellation of reservation	\$20
(6) Application of registered name	\$30
(7) Application for renewal of registered name	\$30
(8) Certificate of change of registered	

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1	agent's business address	No Fee
2	(9) Certificate of resignation of	
3	agent	No Fee
4	(10) Articles of amendment	\$30
5	(11) Restatement of articles of	
6	organization	\$30
7	(12) Articles of dissolution	\$30
8	(13) Application for certificate of	
9	authority	\$90
10	(14) Application for amended	
11	certificate of authority	\$30
12	(15) Application for certificate of	
13	withdrawal	\$30
14	(16) Application for reinstatement	
15	following administrative dissolution	\$30
16	(17) Articles of correction	\$30
17	(18) Certificate of change of	
18	registered agent	No Fee
19	(19) Application for certificate of	
20	existence or authorization	\$15
21	(20) Biennial report filed in writing,	
22	including by facsimile	\$30
23	(21) Biennial report filed by electronic medium	\$20
24	(22) Articles of merger involving a	
25	domestic limited liability company	\$90
26	(23) Any other document required or	
27	permitted to be filed under this article	\$30
28	(b) The fee set forth in subsection (a)(20) for filing a biennial report	
29	is fifteen dollars (\$15) per year, to be paid biennially.	
30	(c) The secretary of state shall collect a fee of \$10 each time process	
31	is served on the secretary of state under this article. If the party to a	
32	proceeding causing service of process prevails in the proceeding, that	
33	party is entitled to recover this fee as costs from the nonprevailing	
34	party.	
35	(d) The secretary of state shall collect the following fees for copying	
36	and certifying the copy of any filed documents relating to a domestic	
37	or foreign limited liability company:	
38	(1) One dollar (\$1) per page for copying.	
39	(2) Fifteen dollars (\$15) for certification stamp.	
40	(e) If the document described in subsection (a)(1) or (a)(13) is	
41	filed by electronic means as prescribed by the secretary of state,	
42	the secretary of state shall collect a:	

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1 (1) filing fee of seventy-five dollars (\$75); and
2 (2) fee of five dollars (\$5) for filing by an electronic medium.
3 Any fees collected under subdivision (2) shall be deposited in the
4 electronic and enhanced access fund established by IC 4-5-10-5.
5 SECTION 7. An emergency is declared for this act.

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